IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 1ST FEBRUARY 2007 / 12TH MAGHA 1928

Bail Appl..No. 514 of 2007()

AGAINST THE ORDER DATED 15/01/2007 IN CRMP.51/2007 & 50/2007 of DISTRICT COURT, KOTTAYAM

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PETITIONER./1ST ACCUSED

BABY, S/O.JOSEPH, AGED 42 YEARS,
PIOUS MOUNT BHAGOM, KARUMKUTTIKKULATHU HOUSE,
KIZHAKKANMATTOM P.O.

BY ADV. SRI.P.C.HARIDAS

RESPONDENT/COMPLAINANT/STATE:

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1. STATE OF KERALA, REPRESENTED BY THE S.I.OF POLICE, MELUKAVU.

2. THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 01/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO.514 OF 2007

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DATED THIS THE 1ST DAY OF FEBRUARY, 2007

O R D E R

Petitioner who is the first accused in Crime No.2/07 of Melukavu Police Station for offences punishable under sections 308, 323, 324 and 506(ii) and 427 read with section 34 IPC, seeks anticipatory bail. His application for anticipatory bail filed as Crl.M.P.No.51/07 before the Sessions Court, Kottayam was dismissed.

2. Learned Public Prosecutor opposed the application.

3. The occurrence took place in the night of 31.12.2006 during which five persons are alleged to have been injured. The weapon used by the petitioner was a knife which has not been recovered also. Anticipatory bail cannot be granted in a case of this nature. There is no reason why the petitioner should not surrender before the Magistrate concerned and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate concerned and files an application for regular bail, within two weeks from today, the same shall be considered and disposed of, preferably on the same date on which it is filed.

This application is disposed of as above.

V.RAMKUMAR, JUDGE

dsn